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10 **UNITED STATES DISTRICT COURT**
11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

12 Innovation Law Lab, *et al.*,)
13)
14 Plaintiffs,)
15 v.) Civil Action No. 3:19-cv-0807-RS
16 Alejandro Mayorkas, *et al.*,)
17 Defendants.)
18)

**JOINT STATUS REPORT AND REQUEST TO CONTINUE HOLDING ORDER TO
SHOW CAUSE IN ABEYANCE**

The parties submit this status report, and respectfully request that the Court continue to temporarily hold in abeyance the Order to Show Cause issued by this Court on August 6, 2021.¹ See Dkt. 131. The Order to Show Cause previously directed Plaintiffs to respond as to why the instant case should not be dismissed as moot. The parties have jointly moved to temporarily hold the deadlines in this case in abeyance several times, and the Court has granted each of those requests. *See* Dkts. 133, 136, 138, 141.

Granting a further abeyance will give the parties time to continue to meet and confer regarding outstanding issues presented by the case, including whether settlement is possible and how this case should proceed in light of the nationwide injunction in *Texas v. Biden*, No. 2:21-cv-0067, 2021 WL 3603341 (N.D. Tex. Aug 13, 2021). As to settlement, the parties have exchanged additional settlement offers, and Defendants are presently considering a number of issues Plaintiffs have raised in response to Defendants second counter-offer. As to the *Texas* injunction, the government is presently re-implementing MPP in compliance with the injunction. *See Court-Ordered Reimplementation of MPP Policy Guidance*, at <https://www.dhs.gov/publication/court-ordered-reimplementation-mpp-policy-guidance>. The government also recently filed a petition for certiorari seeking review of the Fifth Circuit’s decision affirming the injunction. *See Petition, Biden v. Texas*, No. 21-954, available at https://www.supremecourt.gov/DocketPDF/21/21-954/206810/20211229162636127_Biden%20v.%20Texas%20-%20Cert%20Petition.pdf. The Court may rule on that petition as soon as February 18, 2022.

The parties continue to meet and confer, but more time is needed. An order continuing to hold the Order to Show Cause in abeyance is therefore warranted. Accordingly, the parties request that the Court continue the temporary abeyance of the briefing deadline for the Order to Show Cause. The parties propose to submit another joint statement four months from today, on May 15, 2022.

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¹ Undersigned counsel conferred with counsel for Plaintiffs, who join this motion.

1 Respectfully submitted,

2
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12 Dated: January 14, 2022

13 *Attorneys for Defendants*

14 /s/ Judy Rabinovitz (with permission)
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22 Dated: January 14, 2022

23 *Attorneys for Plaintiffs*

CERTIFICATE OF SERVICE

I hereby certify that on January 14, 2022, I electronically filed the foregoing document with the Clerk of the Court for the United States Court of for the Northern District of California by using the CM/ECF system. Counsel in the case are registered CM/ECF users and service will be accomplished by the CM/ECF system.

By: /s/ Erez Reuveni
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